

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EPN ENTERPRISES, INC. DBA 24/7
MEDSTAFF,

Plaintiff,

v.

AKKENCLOUD,

Defendant.

No. 2:22-cv-1420 DB

ORDER

On February 27, 2023, defendant filed an amended motion to dismiss and noticed the motion for hearing before the Court on May 19, 2023.¹ (ECF No. 10.) Pursuant to Local Rule 230(c) plaintiff was to file an opposition or a statement of non-opposition to defendant's motion not less "than fourteen (14) days after the motion was filed." Plaintiff, however, has failed to file a timely opposition or statement of non-opposition.

The failure of a party to comply with the Local Rules or any order of the Court "may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." Local Rule 110. Failure to comply with applicable rules and law may be grounds for dismissal or any other sanction appropriate under the Local Rules.

¹ Both parties have previously consented to Magistrate Judge jurisdiction over this action pursuant to 28 U.S.C. § 636(c). (See ECF No. 13.)

1 Local Rule 183(a). In the interests of justice, the Court will provide plaintiff with an opportunity
2 to show good cause for plaintiff's conduct along with a final opportunity to oppose defendant's
3 motion.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff show cause in writing within fourteen days of the date of this order as to why
6 this case should not be dismissed for lack of prosecution;

7 2. The May 19, 2023 hearing of defendant's amended motion to dismiss (ECF No. 10) is
8 continued to **Friday, June 23, 2023, at 10:00 a.m.**, at the United States District Court, 501 I
9 Street, Sacramento, California, in Courtroom No. 27, before the undersigned;

10 3. On or before **June 2, 2023**, plaintiff shall file an opposition or statement of non-
11 opposition to defendant's motion²;

12 4. Defendant may file a reply on or before **June 16, 2023**; and

13 5. Plaintiff is cautioned that the failure to timely comply with this order may result in an
14 order dismissing this case.

15 DATED: May 9, 2023

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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27 ² Alternatively, if plaintiff no longer wishes to pursue this civil action, plaintiff may comply with
28 this order by filing a request for voluntary dismissal pursuant to Rule 41(a) of the Federal Rules
of Civil Procedure.